

**FILED****FEB 09 2016****STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES**

1 STATE BAR OF CALIFORNIA  
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**STATE BAR COURT****HEARING DEPARTMENT - LOS ANGELES**

13 In the Matter of: ) Case No. 15-O-12406  
14 )  
15 MARY DERPARSEGHIAN aka ) FIRST AMENDED NOTICE OF  
16 MARY DER-PARSEGHIAN, ) DISCIPLINARY CHARGES  
17 No. 224541, )  
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28 A Member of the State Bar )

**NOTICE - FAILURE TO RESPOND!**

19 IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE  
20 WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT  
21 THE STATE BAR COURT TRIAL:

- 22 (1) YOUR DEFAULT WILL BE ENTERED;  
23 (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU  
24 WILL NOT BE PERMITTED TO PRACTICE LAW;  
25 (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN  
26 THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION  
27 AND THE DEFAULT IS SET ASIDE, AND;  
28 (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.  
SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE  
OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN  
ORDER RECOMMENDING YOUR DISBARMENT WITHOUT  
FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,  
RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.

1 The State Bar of California alleges:

2 JURISDICTION

3 1. Mary Derparseghian aka Mary Der-Parseghian ("Respondent") was admitted to the  
4 practice of law in the State of California on March 29, 2003, was a member at all times pertinent  
5 to these charges, and is currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 15-O-12406  
8 Rules of Professional Conduct, rule 4-100(A)  
[Commingling Personal Funds in Client Trust Account]

9 2. On or about April 8, 2015, Respondent received on behalf of her client, Marcia  
10 Bourke, a settlement from Progressive Advanced Insurance Company in the sum of \$100,000  
11 payable to Respondent and her client. On or about April 8, 2015, Respondent deposited the  
12 check for \$100,000 into her client trust account at Wells Fargo Bank, Account No. xxxxxx0433,<sup>1</sup>  
13 on behalf of her client. The settlement check was returned to Respondent by Wells Fargo Bank  
14 on or about April 13, 2015, because it lacked any endorsement, and it was re-deposited on April  
15 16, 2015. Of these funds, Respondent was entitled to attorney's fees of the approximate sum of  
16 \$40,000. Respondent did not promptly remove the funds which she had earned as attorney's fees  
17 from her client trust account and instead, left her attorney's fees in her client trust account to be  
18 withdrawn as needed, in willful violation of Rules of Professional Conduct, rule 4-100(A).

19 COUNT TWO

20 Case No. 15-O-12406  
21 Rules of Professional Conduct, rule 4-100(A)  
[Failure to Maintain Client Funds in Trust Account]

22 3. On or about April 8, 2015, Respondent received on behalf of her client, Marcia  
23 Bourke, a settlement from Progressive Advanced Insurance Company in the sum of \$100,000  
24 payable to Respondent and her client. On or about April 16, 2015, Respondent deposited the  
25 check for \$100,000 into her client trust account at Wells Fargo Bank, Account No. xxxxxx0433,<sup>2</sup>  
26 on behalf of her client. Of these funds, Respondent was entitled to attorney's fees of the

27 <sup>1</sup> The account number has been redacted to protect the account and account holder.

28 <sup>2</sup> The account number has been redacted to protect the account and account holder.

1 approximate sum of \$40,000. Between on or about May 7, 2015 and on or about July 17, 2015,  
2 Respondent failed to maintain a balance of the approximate sum of \$60,000 on behalf of her  
3 client in her client trust account, in willful violation of Rules of Professional Conduct, rule 4-  
4 100(A).

5 COUNT THREE

6 Case No. 15-O-12406  
7 Business and Professions Code section 6106  
8 [Moral Turpitude - Misappropriation]

9 4. On or about April 8, 2015, Respondent received on behalf of her client, Marcia  
10 Bourke, a settlement from Progressive Advanced Insurance Company in the sum of \$100,000  
11 payable to Respondent and her client. On or about April 16, 2015, Respondent deposited the  
12 check for \$100,000 into her client trust account at Wells Fargo Bank, Account No. xxxxxx0433,<sup>3</sup>  
13 on behalf of her client. Of these funds, Respondent was entitled to attorney's fees of the  
14 approximate sum of \$40,000. Between on or about May 7, 2015 and on or about July 17, 2015,  
15 Respondent dishonestly or grossly negligently misappropriated for her own purposes the  
16 approximate sum of \$59,999.55 that the client was entitled to receive, and thereby committed an  
17 act involving moral turpitude, dishonesty or corruption in willful violation of Business and  
18 Professions Code section 6106.

19 COUNT FOUR

20 Case No. 15-O-12406  
21 Rules of Professional Conduct, rule 4-100(A)  
22 [Commingling Personal Funds in Client Trust Account]

23 5. On or about June 5, 2015 and on or about June 8, 2015, Respondent deposited or  
24 commingled funds belonging to her or her family trust into her client trust account at Wells  
25 Fargo Bank, Account No. xxxxxx0433,<sup>4</sup> as follows in wilful violation Rules of Professional  
26 Conduct, rule 4-100(A):  
27

28 <sup>3</sup> The account number has been redacted to protect the account and account holder.

<sup>4</sup> The account number has been redacted to protect the account and account holder.

1	<u>DATE</u>	<u>AMOUNT</u>	<u>FORM OF DEPOSIT</u>
2	6/5/15	\$6,500	Transfer from "Mdp Family Trust"
3	6/8/15	\$22,500	Transfer from Respondent's Business Market Savings

4 COUNT FIVE

5 Case No. 15-O-12406  
6 Rules of Professional Conduct, rule 4-100(B)(3)  
7 [Failure to Render Accounts of Client Funds]

8 6. On or about April 8, 2015, Respondent received on behalf of her client, Marcia  
9 Bourke, a settlement from Progressive Advanced Insurance Company in the sum of \$100,000  
10 payable to Respondent and her client. On or about April 16, 2015, Respondent deposited the  
11 check for \$100,000 into her client trust account at Wells Fargo Bank, Account No. xxxxxx0433,<sup>5</sup>  
12 on behalf of her client. Of these funds, Respondent's client was entitled to the approximate sum  
13 of \$60,000. Respondent thereafter failed to prepare and maintain appropriate records concerning  
14 those funds and her client trust account, including but not limited to the client ledger for the  
15 client, the written journal for the client trust account, and the monthly reconciliation for the client  
16 trust account, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

16 COUNT SIX

17 Case No. 15-O-12406  
18 Business and Professions Code section 6103  
19 [Failure to Obey a Court Order]

20 7. Respondent disobeyed or violated an order of the court requiring her to do or forbear  
21 an act connected with or in the course of her profession which she ought in good faith to do or  
22 forbear by failing to comply with the orders of the Superior Court of California issued on or  
23 about October 20, 2015, ordering that the sums of \$37,500 and \$18,750 to be received by  
24 Respondent on behalf of her client Marcia Bourke were to be deposited in a client trust account  
25 at Bank of America "with no funds to be withdrawn without first obtaining order of court" in  
26 *Dale Queenan and Marcia Bourke v. Michael Kenyon, et al*, Superior Court of California,  
27 County of San Bernardino, SBSC Case No. CIVRS 1402677, in willful violation of Business and  
28 Professions Code section 6103.

<sup>5</sup> The account number has been redacted to protect the account and account holder.

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COUNT SEVEN

Case No. 15-O-12406  
Rules of Professional Conduct, rule 4-100(A)  
[Failure to Maintain Client Funds in Trust Account]

8. On or about September 14, 2015, Respondent received on behalf of her client, Marcia Bourke, a settlement check from The Cincinnati Insurance Companies in the sum of \$18,750 payable to her and her client. On or about September 14, 2015, Respondent deposited the settlement check for \$18,750 into her client trust account at Bank of America, Account No. xxxx xxxx 2757 ("BofA CTA"),<sup>6</sup> on behalf of her client. On or about September 23, 2015, Respondent received on behalf of her client a settlement check from National General in the sum of \$37,500 payable to her client. On or about September 23, 2015, Respondent deposited the settlement check for \$37,500 into her BofA CTA on behalf of her client. Of these funds, Respondent was not entitled to any attorney's fees. Between: on or about September 14, 2015 and on or about September 18, 2015, Respondent failed to maintain a balance of the approximate sum of \$18,750 on behalf of her client in her BofA CTA; and between on or about September 23, 2015 and on or about December 17, 2015, Respondent failed to maintain a balance of the approximate sum of \$56,250 on behalf of her client in her BofA CTA, in willful violation of Rules of Professional Conduct, rule 4-100(A).

COUNT EIGHT

Case No. 15-O-12406  
Business and Professions Code section 6106  
[Moral Turpitude - Misappropriation]

9. On or about September 14, 2015, Respondent received on behalf of her client, Marcia Bourke, a settlement check from The Cincinnati Insurance Companies in the sum of \$18,750 payable to her and her client. On or about September 14, 2015, Respondent deposited the settlement check for \$18,750 into her client trust account at Bank of America, Account No. xxxx xxxx 2757 ("BofA CTA"),<sup>7</sup> on behalf of her client. On or about September 23, 2015, Respondent received on behalf of her client a settlement check from National General in the sum

<sup>6</sup> The account number has been redacted to protect the account and account holder.

<sup>7</sup> The account number has been redacted to protect the account and account holder.

1 of \$37,500 payable to her client. On or about September 23, 2015, Respondent deposited  
2 the settlement check for \$37,500 into her BofA CTA on behalf of her client. Of these funds  
3 totaling \$56,250, Respondent was not entitled to any attorney's fees. Between on or about  
4 September 18, 2015 and on or about December 17, 2015, Respondent dishonestly or grossly  
5 negligently misappropriated for her own purposes the approximate sum of \$55,348.71 that the  
6 client was entitled to receive, and thereby committed an act involving moral turpitude,  
7 dishonesty or corruption in willful violation of Business and Professions Code section 6106.

8 **NOTICE - INACTIVE ENROLLMENT!**

9 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR  
10 COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE  
11 SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL  
12 THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO  
13 THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN  
14 INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE  
15 ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE  
16 RECOMMENDED BY THE COURT.**

17 **NOTICE - COST ASSESSMENT!**

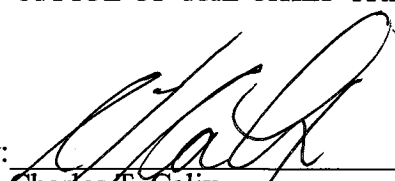
18 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC  
19 DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS  
20 INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING  
21 AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND  
22 PROFESSIONS CODE SECTION 6086.10.**

23 Respectfully submitted,

24 THE STATE BAR OF CALIFORNIA  
25 OFFICE OF THE CHIEF TRIAL COUNSEL

26 DATED: February 9, 2016

27 By:

28   
Charles T. Calix  
Senior Trial Counsel

# DECLARATION OF SERVICE

by

U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER(s): **15-O-12406**

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 845 South Figueroa Street, Los Angeles, California 90017, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

## FIRST AMENDED NOTICE OF DISCIPLINARY CHARGES

☐

**By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))**

- in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles.

☒

**By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))**

☐

**By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))**

- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service ("UPS").

☐

**By Fax Transmission: (CCP §§ 1013(e) and 1013(f))**

Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.

☐

**By Electronic Service: (CCP § 1010.6)**

Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the electronic addresses listed herein below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐

*(for U.S. First-Class Mail)* in a sealed envelope placed for collection and mailing at Los Angeles, addressed to: *(see below)*

☒

*(for Certified Mail)* in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,

Article No.: 9414 7266 9904 2010 0738 95 at Los Angeles, addressed to: *(see below)*

☐

*(for Overnight Delivery)* together with a copy of this declaration, in an envelope, or package designated by UPS,

Tracking No.: addressed to: *(see below)*

Person Served	Business-Residential Address	Fax Number	Courtesy Copy to:
MARY DERPARSEGHIAN aka MARY DER-PARSEGHIAN	MARY DER-PARSEGHIAN, APC 35 N Lake Ave Ste 740 Pasadena, CA 91101	Electronic Address	

☐ via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

N/A

I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service ("UPS"). In the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

DATED: February 9, 2016

SIGNED:

Genelle De Luca-Suarez  
Declarant